

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61831 of 2018

Arising Out of PS. Case No.-93 Year-2018 Thana- BHARGAMA District-
Araria

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Rakesh Rajak @ Rakesh Kumar Rajak S/o Mohan Lal Rajak, R/o Village-
Sirsia Kala, Ward No.04, P.S.- Bhargama, District- Araria.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Chandra Bhushan Das, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

4 21-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 147, 149, 341, 323, 324, 307, 447, 354(B),
379, 504 of the Indian Penal Code registered in connection with
Bhargama P.S. Case No. 93 of 2018.

3. It is submitted that the petitioner has been falsely
implicated and the accusations are general and omnibus against
the accused persons without attributing any specific assault
causing injury individually. It is submitted that the initial injury
report of the Primary Health Centre, Bhargama dated 18.05.2018
(Annexure-4) discloses that the injured informant Harilal Rajak
was referred for C.T. Scan to Medical College, Bhagalpur on
10.05.2018 but he could not go there and as such final report was



prepared showing that the nature of injuries is simple. Subsequently, it appears that the informant procured C.T. Scan report from Ishan Diagnostic Imaging Centre, Purnea, on the basis of which it was then opined that the nature of injuries was grievous and danger for life (Annexure-5). There is case and counter case between the parties. Similarly situated other co-accused persons have been granted anticipatory bail by this Court in Cr. Misc. No. 52199 of 2018. The petitioner claims clean antecedents.

4. Learned APP opposes the anticipatory bail petition, submitting that the injuries have finally been found to be grievous in nature.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Bhargama P.S. Case No. 93 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar



offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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